

30 April 1959

BRIEF FOR THE DIRECTOR OF PERSONNEL

I. Proposal

It is proposed that the Central Intelligence Agency enter negotiations with the U. S. Civil Service Commission for the purpose of reaching an agreement which would facilitate the interchange of personnel between the merit systems of the Central Intelligence Agency and the Civil Service.

II. Objectives

- A. To obtain recognition of the merit personnel program existing in CIA.
- ✓ B. To establish a method by which personnel can move, after years of service with CIA, to other Federal organizations without having to go through an examining process designed for entrance into the Federal service.
- C. To place substantially all CIA employees on an equal footing with status employees (career or career-conditional) of other agencies for inter-agency transfer purposes.
- D. To reduce the amount of lead time required to out-place CIA personnel into the Federal service.

III. Precedent for Such an Agreement

The Atomic Energy Commission, TWA, Panama Canal Company, the White House, the Legislative and Judicial Branches have broadened the employment opportunities of their employees through CSC agreements, Executive Orders and legislation. The following extract is considered significant in this regard. It is taken from: "A Report on How People Are Recruited, Examined, and Appointed in the

Competitive Civil Service", prepared by the United States Civil Service Commission for the Subcommittee on Civil Service, Committee on Post Office and Civil Service, House of Representatives, dated April 1959.

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The existence of employment systems in the Federal civilian service other than the civil service system implies some criticism of that system, and the regulations, policies, and practices established under it. What is wrong with it that has required the establishment of these other systems? Why do agencies with the same employment goals as the Civil Service--of attracting competent applicants, ranking them in order of merit, and selecting the best--seek to establish separate systems, and why does the Congress occasionally find it in the public interest to permit them to do so as it has done in the case of the Atomic Energy Commission, the Tennessee Valley Authority, and the Department of Medicine and Surgery of the Veterans' Administration?

The answer is simple. Agencies believe that the competitive service has been hampered in by too many restrictions and that the excepted service offers them greater opportunity to do a good job in relation to their own needs.

This is not to propose that anything be done to put other systems into the civil service. The concern is only with the future--that the system will prove adaptable enough to serve new agencies and programs without the need for further exceptions. When legislation is proposed for any new personnel system or additional exceptions, it is suggested that consideration be given first to authorizing the steps necessary for the competitive service to meet the new needs."

IV. Highlights of Atomic Energy - Civil Service Agreement

Employees in either System may be appointed to the other subject to the following conditions:

A. Employee to be transferred must be in a continuing position under the following type of appointment.

1. AEC

- a. Regular Appointment (Excepted)
- b. Regular Appointment (Excepted) (Conditional)

2. Civil Service

a. Career Appointment

b. Career - Conditional

B. Qualification Requirements

1. AEC - Must meet Civil Service Qualifications Standards and requirements for position for which to be appointed.
2. Civil Service - Must meet regular standards established by AEC for the position.

C. Length of Service Requirement Before Transfer

1. AEC - Must have served continuously for one year immediately before.
2. Civil Service - Must have completed one year probational period under Career or Career - Conditional appointment.

D. Selection

1. AEC - Employees of AEC are hired at the discretion of the appointing officer of the other organization.
2. Civil Service - Civil Service employees are hired by AEC on the basis of their qualifications for positions to be filled without regard to order of selection within qualification categories provided for in the special plan approved by CSC for AEC.

E. Type of Appointment after Movement

1. AEC - Career or Career Conditional in new Agency depending upon whether they meet the 3 year service requirement. (Service on an AEC regular appointment either (excepted) or (excepted) - (conditional) is creditable for the 3 years.
2. Civil Service employees will receive with AEC:
 - a. AEC Regular (excepted) appointment.
 - b. AEC Regular (excepted) (conditional) appointment.

F. Probational or Trial Periods

1. AEC - No new trial period.
2. Civil Service - No new trial period.

G. Status

1. AEC - AEC employee receives competitive civil service status in new Agency. Thereafter entitled to all benefits and privileges provided by CSC rules for persons with civil service status.
2. Civil Service - Whatever privileges are normally provided by AEC to persons who initially receive AEC regular (excepted) or (excepted) (conditional) appointments.

V. Advantages of a Similar Agreement for CIA

A. Any CIA employee with a regular excepted appointment with more than one year of service immediately prior to the time of transfer could be appointed to a position in the competitive service in another Agency at the discretion of the appointing officer of the other Agency provided he met qualification standards and requirements for the position.

1. Such an agreement would:

- a. Would circumvent the regular civil service examining process which is very slow moving, time consuming and inflexible.
- b. Would place non-civil service status 10 point veterans, 5 point veterans and non-veterans on an equal footing for transfer purposes, and would provide the individual with competitive status without regard to veterans' preference.
- c. Would open up all types of position vacancies presently not open to non-Civil Service status employees except through

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Civil Service examinations. Civil Service Examination is unfeasible for the following reasons.

- (1) Examinations are announced at infrequent intervals (Periods of years in many instances).
- (2) Register resulting from examinations are blocked by 10 point veterans who automatically go to the top if they receive a passing grade in the examination in addition to receiving an additional 10 points.

- B. Additional employment opportunities would open up in other federal agencies through participation in the "Federal Merit Promotion Program".
- C. 86% of the total number of federal positions are in the competitive service.
- D. CIA employment may be considered as being even more attractive if such an agreement would provide Federal wide mobility.

VI. Disadvantages of a Similar Agreement for CIA

- A. The disadvantages are principally centered around the loss of autonomy the Agency presently enjoys in the field of personnel management. An agreement of this type would bring about a closer relationship between CIA and the Civil Service Commission which would very likely result in the following:
 1. The Civil Service Commission would at least generally evaluate the overall CIA Personnel Program.
 2. Additional regulations might have to be developed and administered to cover Civil Service requirements under such an agreement.
 3. The Civil Service Commission might require agreement permitting periodical inspection of CIA personnel records for conformance.

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4. CIA has developed and is applying reasonable qualifications standards. (Currently CIA qualifications standards are, in some cases, higher than CSC standards)
5. As CIA is under the Veterans' Preference Act of 1944, CIA would have to have written policy on Veterans' Preference with respect to initial selection. (This would involve some modification of the current administrative handling of applications and the certification of applicants to operating components for internal consideration. The CSC would review the encumbrancy of certain positions, such as Guard, Messenger, etc., which are restricted to veterans.
6. Before reaching agreement the CSC would have to be assured that the CIA selection process is generally comparable to that of the CSC.
7. CIA must provide evidence that its Medical and Security requirements are applied uniformly and that political affiliations are not considered.
8. CIA might have to give some external publicity to CIA requirements in order to ensure that there is present an element of open competition for CIA positions.

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